UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE SCOTT FETZER COMPANY,)
Plaintiff,)
v.) Civil Action No. 02-2917 (JKG)
RAYMOND G. GEHRING d/b/a NORTHEASTERN VACUUM CLEANER COMPANY)))
Defendant.))

PLAINTIFF SCOTT FETZER'S STATEMENT IN SUPPORT OF AN ORDER AWARDING TO PLAINTIFF ATTORNEY FEES AND COSTS

Plaintiff The Scott Fetzer Company ("Scott Fetzer") hereby avers the following in support of the award to it of the attorney fees and costs incurred in its successful prosecution of this action against defendant Raymond G. Gehring, doing business as Northeastern Vaccum Cleaner Company ("Gehring"):

- On June 27, 2003, the Court heard argument on plaintiff Scott Fetzer's Motion for Summary Judgment and, after consideration of that argument and the written submissions that had previously been filed in support of the Motion for Summary Judgment dictated an Order from the bench granting the Motion, which Order, recited that the plaintiff "is seeking attorney's fees, and costs, but not other money damages" from defendant.
 - 2. The Order, dated June 27, 2003, was entered by the Court on July 1, 2003,
- 3. In support of an award of attorneys' fees and costs to it, Scott Fetzer hereby submits the following:
 - a. Affidavit of Robert P. Ducatman, attached as Exhibit A;

- Ъ. Affidavit of Margaret S. Woodruff, attached as Exhibit B; and
- Supplemental Affidavit of Robert G. Shumay with attached C. Exhibits K and L, attached as Exhibit C.
- 4. The exhibits attached to this statement support an award of \$92,675.75 in attorneys' fees and \$5, 280.03 in costs, for a total award to Scott Fetzer of \$97, 955.78 for fees and costs incurred through June 2003.
- Scott Fetzer reserves the right to seek an additional award for any fees and 5. costs incurred after June 2003.

Dated: July 30, 2003 Respectfully submitted,

Margaret S. Woodruff

(Pennsylvania Bar No. 26010)

SCHNADER HARRISON SEGAL & LEWIS

Suite 3600, 1600 Market Street Philadelphia, PA 19103-7286

admitted pro hac vice:

Robert P. Ducatman

(Ohio Bar No. 0003571)

rducatman@jonesday.com

Christina J. Moser

(Ohio Bar No. 0074817)

cimoser@jonesday.com

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, OH 44114-1190

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

Counsel for Plaintiff

THE SCOTT FETZER COMPANY

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE SCOTT FETZER COMPANY,)	Case No.: 02-CV-2917(JKG)
Plaintiff,)	
٧.)	Judge James Knoll Gardner
DATE OF COMMENTS OF THE)	-
RAYMOND G. GEHRING d/b/a,)	
NORTHEASTERN VACUUM)	-
CLEANER COMPANY)	
)	
Defendant.)	
)	

AFFIDAVIT OF ROBERT P. DUCATMAN

- I, Robert P. Ducatman, do hereby state as follows:
- ı. I am an attorney in good standing with the Supreme Court of the State of Ohio, admitted pro hac vice to this Court, and have been practicing law for twenty-three years. I am a partner in the law firm of Jones Day, counsel of record for Plaintiff, The Scott Fetzer Company ("Scott Fetzer") in this action and have been lead trial counsel for Scott Fetzer in over four hundred matters. I have personal knowledge of the facts recited herein and if called as a witness, I could testify competently thereto.
- 2. Scott Fetzer has employed Jones Day as its litigation counsel in, among other things, intellectual property disputes like the above-captioned matter, for over 65 years. Jones Day has worked with the Philadelphia-based law firm of Schnader Harrison Segal and Lewis, LLP, as co-counsel in numerous and varied litigations for over a decade.

- 3. The successful protection of Scott Fetzer's intellectual property rights required extensive discovery and pre-trial practice including drafting offensive discovery, responding to defensive discovery, and preparing for deposition.
- 4. Scott Fetzer's attorney's efforts in this matter culminated in the legal analysis, legal research, and factual investigation leading to its successful motion for summary judgment.
- 5. The schedule attached to the Supplemental Affidavit of Robert G. Shumay as Exhibit K is a summary based on true and correct copies of invoices from Jones Day, to Scott Fetzer in connection with this litigation and are typical of the fees and costs associated with this type of litigation. The summary was created to prevent disclosure of certain privileged and confidential information and under Fed. R. Evid. 1006.
- 6. The fees and costs charged Scott Fetzer are typical of the fees and costs associated with this type of litigation. To the best of my knowledge, and after diligent inquiry, the items claimed and described in Exhibit K are costs that are correct and have been necessarily incurred in litigating this action. The services for the fees that have been charged were actually and necessarily performed.
- The Exhibit K identifies four attorneys on this matter: myself, Sheryl Love, Isla Luciano and Christina Moser. In 2001, my time was billed to the client at a rate of \$490 per hour and is usual for an attorney with my expertise in the geographical area in which I practice, which includes Cleveland as well as federal and state courts throughout the United States. In 2002, my hourly fee rose to \$540 per hour and in 2003 my time is billed at \$590 per hour, which raises are both typical and reasonable. Ms. Love's time in 2001 was billed to the client at a rate of \$240 per hour, which is both usual and customary for associates in this area with Ms. Love's experience. Her hourly billing rate rose to \$290 per hour in 2002, which raise is both typical and

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reasonable. Ms. Luciano's time in 2003, the year in which she performed services for this matter, is billed to the client at a rate of \$225 per hour, which is both usual and customary for associates in this area with Ms. Luciano's experience. Ms. Moser's time in 2002 was billed to the client at a rate of \$180 per hour, which is also usual and customary for an associate attorney of her experience in this area. Ms. Moser's billing rate rose to \$205 per hour in 2003, which is also typical and reasonable. In 2003, Jones Day also billed Scott Fetzer for services provided on this matter by a legal assistant, Diane McDonald, and a summer associate, Earnest Gregory, at \$65 and \$135 per hour, respectively. These amounts represent usual and customary costs for these services.

- 8. Jones Day billed Scott Fetzer \$38,521.25 for legal services rendered from September, 2001 through April, 2003. The time reflected in the schedules attached in Exhibit K was reasonable given the circumstances of this litigation and the services rendered were necessary to protect Scott Fetzer's intellectual property rights.
- 9. In the month of May, 2003, Scott Fetzer has incurred in connection with this litigation \$8,825.00 in attorneys' fees which amount has been billed by Jones Day. This amount is due and Scott Fetzer is liable for the whole amount. The time reflected in the schedules attached in Exhibit K for May, 2003, was reasonable given the circumstances of this litigation and the services rendered were necessary to protect Scott Fetzer's intellectual property rights.
- 10. In the month of June, 2003, Scott Fetzer has incurred in connection with this litigation \$24,830.00 for legal services, which amount has been billed by Jones Day. Upon this amount coming due, Scott Fetzer will become liable for the whole amount. The time reflected in the schedules attached in Exhibit K for June, 2003, was reasonable given the circumstances of

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this litigation and the services rendered were necessary to protect Scott Fetzer's intellectual property rights.

11. Scott Fetzer has incurred costs in this litigation including: \$106.53 in courier and process server fees; \$246.70 in communication (telephone) costs; \$852.80 in duplication costs including copying exhibits for trial and pre-trial exchange and the successful summary judgment motion; \$382.50 for a private investigator; \$419.45 for court reporter costs for Mr. Gehring's (no-show) deposition and a transcript of the oral argument on Scott Fetzer's motion for summary judgment; \$538.86 in legal research fees; \$1,779.06 in travel costs to a status conference before Judge Petrese Tucker and to the hearing on Scott Fetzer's motion for summary judgment; and \$3,06 for postage to Mr. Gehring, for a total of \$4,328.96 in costs. The costs set forth above were both reasonable and necessary to this litigation.

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FURTHER AFFIANT SAYETH NAUGHT

Subscribed and sworn to before me on this 30 day of July, 2003.

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EXHIBIT B

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE SCOTT FETZER COMPANY,)	Case No.: 02-CV-2917(JKG)
)	
Plaintiff,)	
)	
V.)	Judge James Knoll Gardner
)	
RAYMOND G. GEHRING d/b/a,)	
NORTHEASTERN VACUUM)	
CLEANER COMPANY)	
)	
Defendant.)	
)	

AFFIDAVIT OF MARGARET S. WOODRUFF

- I, Margaret S. Woodruff, do hereby state as follows:
- I am an attorney in good standing with the Commonwealth of Pennsylvania, admitted to practice before this Honorable Court, and have been practicing law for twenty-six years. I am a partner in the law firm of Schnader Harrison Segal & Lewis, LLP ("Schnader") and was hired to act as co-counsel for The Scott Fetzer Company ("Scott Fetzer") in the above-captioned litigation in May, 2002. Schnader has worked with Jones Day as co-counsel in numerous matters, including intellectual property litigation, for over a decade. I have personal knowledge of the facts recited herein and if called as a witness, I could testify competently thereto.
- 2. The schedule attached to the Supplemental Affidavit of Robert G. Shumay as Exhibit L is a summary based on true and correct copies of invoices from Schnader to Scott

Fetzer in connection with this litigation and are typical of the fees and costs associated with this type of litigation. The summary was created to prevent disclosure of certain privileged and confidential information and pursuant to Fed. R. Evid. 1006.

- 3. Exhibit L identifies one attorney on this matter, myself, and a paralegal, Thomas J. Hannon. In 2002, my time was billed to the client at a rate of \$380 per hour and is usual for an attorney with my expertise in the Philadelphia area. Mr. Hannon's time was billed at \$85 per hour in 2002, which is usual for a paralegal with Mr. Hannon's experience in the Philadelphia area. In 2003, my hourly fee rose to \$400 per hour, which is both typical and reasonable.
- 4. From May, 2002 through May, 2003, Schnader billed Scott Fetzer \$14,739.50 for attorney and paralegal time. The time reflected in the schedules attached in Exhibit L was reasonable given the circumstances of this litigation, and the services rendered were necessary to protect Scott Fetzer's intellectual property rights.
- 5. In the month of June, Scott Fetzer has incurred in connection with this litigation \$5,760 in attorneys' fees, which amount has not yet been billed by Schnader. Upon this amount coming due, however, Scott Fetzer will become liable for the whole amount.
- 6. From May, 2002 through May, 2003, Scott Fetzer has incurred costs in this litigation including: \$258.21 in courier and process server fees; \$2.54 in communication (telephone) costs; \$103.58 in document preparation and duplication costs; \$150 in filing fees; \$59.91 in legal research fees; \$45.24 in travel costs to court-mandated conferences; \$11.33 for postage; and, in June, 2003, \$320.26 for costs associated with the successful motion for summary judgment, for a total of \$951.07 in costs. The costs set forth above were both reasonable and necessary to this litigation.

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FURTHER AFFIANT SAYETH NAUGHT

Margan D. boodraff

Subscribed and sworn to before me on this <u>30</u> day of July, 2003.

Notarial Seal Susan P. Rose, Notary Public City of Philadelphia, Philadelphia County My Commission Expires July 11, 2006

Member, Pennsylvania Association of Notaries

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE SCOTT FETZER COMPANY,) Case No.: 02-CV-2917(JKG)
Plaintiff,)
v.) Judge James Knoll Gardner
RAYMOND G. GEHRING d/b/2, NORTHEASTERN VACUUM)
CLEANER COMPANY)
Defendant.	ý
	,

SUPPLEMENTAL AFFIDAVIT OF ROBERT G. SHUMAY

I, Robert G. Shumay, do hereby state as follows:

- 1. This supplements my affidavit of June 4, 2003, which is incorporated herein as though fully set forth. I have personal knowledge of the facts recited herein and if called as a witness, I could testify competently thereto.
- 2. Scott Fetzer has employed Jones Day as its litigation counsel in, among other things, intellectual property disputes like the above-captioned matter for over 65 years. The schedule attached hereto as Exhibit K is a summary based on true and correct copies of invoices received by Scott Fetzer from Jones Day in connection with this litigation which are typical of the fees and costs associated with this type of litigation. Exhibit K was created to prevent disclosure of certain privileged and confidential information and pursuant to Fed. R. Evid. 1006.

For the services identified in Exhibit K, covering the time period of September, 2001 through June, 2003, Scott Fetzer has been billed \$72,176.25 in attorneys' fees and \$4,328.96 in costs.

- 3. Scott Fetzer is also employing Schnader Harrison Segal & Lewis, LLP, ("Schnader") as co-counsel in connection with this litigation. Attached hereto as Exhibit L is a summary based on true and correct copies of fee statements received by Scott Fetzer from Schnader in connection with this litigation which are typical of the fees and costs associated with this type of litigation. Exhibit L was created to prevent disclosure of certain privileged and confidential information and pursuant to Fed. R. Evid. 1006. For the services identified in Exhibit L, Scott Fetzer has been billed \$14,739.50 in attorneys' fees and \$630.81 in costs for May, 2002 through May, 2003. This amount is due and Scott Fetzer is liable for the whole amount.
- I am informed and understand that, in the month of June, Scott Fetzer has incurred 4. in connection with this litigation \$5,760 in attorneys' fees and \$320.26 in costs, which amount has not yet been billed by Schnader. Upon this amount coming due, however, Scott Fetzer will become liable for the whole amount.
- Because of Defendant Raymond Gehring's infringing acts, his refusal to respond 5. to Scott Fetzer's initial cease and desist letters, his non-cooperation in discovery, and his steadfast refusal to heed the orders of this Court, Scott Fetzer has incurred \$92,675.75 in legal services and \$5,280.03 in costs, for a total of \$97,955.78.

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FURTHER AFFIANT SAYETH NAUGHT

Subscribed and sworn to before me on this 20th day of July, 2003.

MARY ANN WALLACE Notary Public, State of Onio, Cuy. Cty. My commission expires Sept. 19, 2006

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EXHIBIT K

EXHIBIT K

LAWYER SERVICES SUMMARY

JONES DAY

DATE OF SERVICE	LAWYER NAME/DESCRIPTION	HOURS
09/14/01 Review papers related	R. P. DUCATMAN to dispute; Draft cease and desist letter to Gehring.	0.50
10/05/01 Review file; Draft foll	R. P. DUCATMAN ow-up to cease and desist letter to Gehring.	0.25
11/07/01 Review file; Draft lett	R. P. DUCATMAN er to client.	0.25
11/30/01 Review file; Fact inve	S.H. LOVE stigation.	0.50
01/10/02 Fact investigation; Mo	S.H. LOVE eet with C. Moser.	1.0
01/10/02 Meet with S. Love.	C. J. MOSER	0.25
01/11/02 Review file.	C. J. MOSER	0.25
01/15/02 Review memo from S	C. J. MOSER Love; Fact investigation; Communicate with R. Du	0.75 catman.
01/16/02 Fact investigation; Co	C. J. MOSER ommunicate with R. Ducatman.	0.50
01/17/02 Fact investigation.	C. J. MOSER	0.50
01/18/02 Communicate with ou	C. J. MOSER atside investigation.	0.25
01/22/02 Communicate with ou	C. J. MOSER atside investigation.	0.25
01/31/02 Communicate with C	R. P. DUCATMAN Moser regarding fact investigation.	0.25

01/31/02 Communicate with our investigation.	C. J. MOSER atside investigator, S. Love, and R. Ducatman r	1.25 regarding fact
02/01/02 Fact investigation; Co	R. P. DUCATMAN ommunicate with client.	0.25
02/01/02 Fact investigation; Co	C. J. MOSER ommunicate with outside investigator.	0.25
02/05/02 Communicate with C	R. P. DUCATMAN . Moser regarding fact investigation.	0.25
02/05/02 Communicate with R	C. J. MOSER Ducatman regarding fact investigation.	0.25
02/06/02 Communicate with o R. Ducatman.	C. J. MOSER utside investigator regarding fact investigation;	0.25 Communicate with
02/19/02 Fact investigation; C	R. P. DUCATMAN ommunicate with client.	0.25
04/11/02 Prepare to file comp	C. J. MOSER laint.	0.25
04/15/02 Legal research; Draf	C. J. MOSER t Complaint.	4.75
04/16/02 Review Complaint; (R. P. DUCATMAN Communicate with C. Moser.	0.50
04/16/02 Revise Complaint; C	C. J. MOSER communicate with M. Woodruff, R. Ducatman.	1.75
04/17/02 Review file; Revise (R. P. DUCATMAN Complaint.	0.50
04/17/02 Communicate with I	C. J. MOSER Luciano regarding Complaint; Revise same.	0.75
04/23/02 Communicate with I	C. J. MOSER M. Woodruff.	0.25
04/24/02	R. P. DUCATMAN	0.25

Communicate with C. Moser regarding Complaint.

04/24/02 Legal research; Finaliz	C. J. MOSER ze Complaint; Communicate with M. Woodruff.	0.75
04/29/02 Communicate with C.	R. P. DUCATMAN Moser regarding Complaint.	0.25
04/29/02 Communicate with M	C. J. MOSER . Woodruff regarding Complaint.	0.25
05/03/02 Communicate with co	R. P. DUCATMAN a-counsel regarding Complaint.	0.25
05/13/02 Communicate with M	C. J. MOSER . Woodruff regarding Complaint.	0.25
05/14/02 Communicate with M	R. P. DUCATMAN I. Woodruff regarding Complaint.	0.25
05/15/02 Review correspondent client.	R. P. DUCATMAN ace from M. Woodruff regarding Complaint; Commun	0.25 icate with
05/15/02 Communicate with M	C. J. MOSER J. Woodruff regarding Complaint; Review correspond	0.25 ence to Client.
05/16/02 Review corresponder	R. P. DUCATMAN nce regarding Complaint.	0.25
05/17/02 Communicate with M same.	C. J. MOSER M. Woodruff regarding Complaint; Communicate in-fir	0.25 m regarding
05/28/02 Review corresponder	R. P. DUCATMAN nce regarding matter; Communicate with client.	0.25
05/28/02 Review corresponder	C. J. MOSER nce from M. Woodruff regarding matter; Communicat	0.25 e with same.
05/29/02 Review corresponder	R. P. DUCATMAN nce from M. Woodruff regarding matter.	0.25
05/29/02 Communicate with lo	C. J. MOSER ocal counsel regarding matter; Review filed Complaint	1.00

- 4 -

Review and respond to correspondence from M. Woodruff and R. Ducatman regarding

0.25

C. J. MOSER

07/31/02

matter.

08/01/02 Review Notice from C Communicate with C. Moser	R. P. DUCATMAN Court regarding Pretrial Conference; Communicate w and M. Woodruff regarding matter.	0.50 ith client;
08/01/02 Review and respond t	C. J. MOSER to emails from R. Ducatman and M. Woodruff regard	0.50 ing matter.
08/02/02 Communicate with C. client.	R. P. DUCATMAN Moser and M. Woodruff regarding matter; Commun	0.75 nicate with
08/02/02 Plan and prepare for a regarding matter.	C. J. MOSER and participate in conference with R. Ducatman and M.	1.00 M. Woodruff
08/08/02 Review and revise Ruwith C. Moser regarding mat	R. P. DUCATMAN alle 26 Disclosures and Initial Conference Report; Corter.	0.50 nmunicate
08/08/02 Draft/revise Rule 16	C. J. MOSER Conference Report.	0.25
08/09/02 Review final draft of	R. P. DUCATMAN Rule 16 Conference Report; Communicate with clien	0.25 t.
08/11/02 Communicate with M	C. J. MOSER 1. Woodruff regarding matter.	0.50
08/12/02 Review corresponder	R. P. DUCATMAN nce regarding matter; Communicate with client.	0.50
08/12/02 Review corresponder matter.	C. J. MOSER nce from Gehring; Communicate with M. Woodruff r	0.75 egarding
08/13/02 Communicate with M	R. P. DUCATMAN 1. Woodruff regarding matter.	0.25
08/14/02 Review Notice from	R. P. DUCATMAN Court rescheduling status conference; Communicate	0.25 with client.
08/15/02 Communicate with M	R. P. DUCATMAN M. Woodruff regarding matter.	0.25
08/16/02 Communicate with M	C. J. MOSER M. Woodruff regarding matter.	0.25

	R. P. DUCATMAN ce from M. Woodruff regarding matter; Communicat	0.25 te with client.
	R. P. DUCATMAN ce regarding matter; Communicate with client.	0.25
08/21/02 Review corresponden	C. J. MOSER ce regarding matter.	0.25
08/22/02 Review corresponden	R. P. DUCATMAN ce from M. Woodruff; Communicate with client.	0.25
09/17/02 Communicate with M	C. J. MOSER . Woodruff regarding matter.	0.25
09/18/02 Communicate with M M. Woodruff.	C. J. MOSER . Woodruff regarding matter; Review correspondence	0.25 se to Court from
09/23/02 Review corresponden	R. P. DUCATMAN ace from M. Woodruff regarding matter; Communication	0.25 te with client.
10/03/02 Review notice from c	R. P. DUCATMAN ourt; Communicate with client.	0.25
10/04/02 Communicate with C	R. P. DUCATMAN . Moser regarding matter.	0.25
10/11/02 Communicate with C	R. P. DUCATMAN . Moser regarding matter; Review correspondence.	0.50
10/15/02 Review corresponder Communicate with C. Moser	R. P. DUCATMAN nce from M. Woodruff regarding matter; Communicate regarding matter.	0.50 ate with client;
10/15/02 Communicate with M regarding matter.	C. J. MOSER 1. Woodruff regarding matter; Communicate with R.	0.50 Ducatman
10/16/02 Review file; Commun	R. P. DUCATMAN nicate with client.	0.25
10/17/02 Plan and prepare for	C. J. MOSER Rule 16 conference.	2.25

10/18/02 Communicate with C.	R. P. DUCATMAN Moser regarding matter; Review correspondence.	0.50
10/18/02 Plan and prepare for F same; Attend same; Commun	C. J. MOSER Rule 16 conference; Communicate with M. Woodruff icate with R. Ducatman regarding same; Communicate	5.00 regarding e with client.
10/19/02 Communicate with cli	C. J. MOSER ent.	0.25
	C. J. MOSER ery; Communicate with R. Ducatman regarding same; ring; Communicate with client.	1.00 Review
10/22/02 Review and revise wr	R. P. DUCATMAN itten discovery.	0.25
10/23/02 Review Scheduling O client.	R. P. DUCATMAN rder from Court; Review correspondence; Communic	0.50 cate with
10/24/02 Review corresponden	R. P. DUCATMAN ce from M. Woodruff regarding matter; Communicat	0.25 e with client.
10/25/02 Communicate with R	C. J. MOSER Ducatman regarding matter.	0.25
10/30/02 Communicate with C	R. P. DUCATMAN Moser and client regarding matter.	0.25
10/30/02 Communicate with R regarding same.	C. J. MOSER Ducatman regarding matter; Communicate with M V	0.25 Woodruff
11/04/02 Review corresponder	R. P. DUCATMAN ace; Communicate with client.	0.25
11/04/02 Review corresponder	C. J. MOSER nce; Communicate with R. Ducatman.	0.25
11/05/02 Communicate with cl	R. P. DUCATMAN ient.; Review correspondence.	0.75
11/06/02 Plan for conference.	R. P. DUCATMAN	0.25

	P. DUCATMAN t; Communicate with M. Woodruff; Review orders	0.75
	t; Communicate with C. Moser.	0.50
	c. P. DUCATMAN regarding matter; Communicate with C. Moser reg	0.50 garding same;
11,	C. J. MOSER Woodruff regarding matter; Communicate with R. I	0.25 Ducatman
	C. J. MOSER Woodruff and R. Ducatman regarding matter.	0.25
11,20,02	R. P. DUCATMAN e from M. Woodruff regarding matter; Communicat	0.25 e with client.
	R. P. DUCATMAN e from M. Woodruff regarding matter; Communicat	0.25 te with client.
	R. P. DUCATMAN Woodruff regarding matter.	0.25
12/12/02 F Review correspondence	R. P. DUCATMAN e.	0.25
1 2 7 2 9 7 9 2	R. P. DUCATMAN correspondence from M. Woodruff regarding matt	0.25 er.
	R. P. DUCATMAN from Court; Communicate with M. Woodruff rega	0.50 rding same;
	R. P. DUCATMAN e from M. Woodruff regarding matter; Communica unicate with client.	0.50 te with C.
	C. J. MOSER correspondence from M. Woodruff regarding matter an regarding same.	0.25 ter;

<u>-</u>	R. P. DUCATMAN ce related to matter; Prepare for settlement conference regarding same; Communicate with client.	0.50 e;
01/02/03 Draft/revise Settlementsame.	C. J. MOSER nt Conference Report; Communicate with R. Ducatma	1.25 an regarding
01/03/03 Review Consent Decr	R. P. DUCATMAN ree and Injunction.	0.25
01/04/03 Review file; Prepare f	R. P. DUCATMAN for settlement conference.	0.50
01/06/03 Prepare for settlement with M. Woodruff and Judge	R. P. DUCATMAN t conference; Communicate regarding same; Telephor Rapoport regarding same.	0.75 ne conferences
01/07/03 Prepare for and partic and C. Moser regarding same	R. P. DUCATMAN sipate in settlement conference; Communicate with M.	2.00 Woodruff
01/07/03 Communicate with R	C. J. MOSER Ducatman regarding settlement conference.	0.25
01/10/03 Review Scheduling O	R. P. DUCATMAN order.	0.25
01/10/03 Review Scheduling O	C. J. MOSER order and Order from Settlement Conference.	0.50
01/14/03 Review corresponden	R. P. DUCATMAN ace regarding discovery.	0.25
01/14/03 Communicate with G regarding service.	C. J. MOSER ehring regarding address; communicate with process	0.50 server
01/15/03 Review Defendant's of	R. P. DUCATMAN liscovery responses and answer to consent decree.	0.50
01/15/03 Review corresponder	R. P. DUCATMAN ace regarding discovery.	0.25

0.50

C. J. MOSER

Review Defendant's discovery responses.

01/15/03

01/21/03 Communicate with C	R. P. DUCATMAN . Moser regarding matter.	0.25
01/21/03 Review Standing Ord	R. P. DUCATMAN ler.	0.25
01/21/03 Review Order requiring regarding matter.	C. J. MOSER ing defendant to seek counsel; communicate with R. I.	0.25 Ducatman
01/22/03 Review corresponder	C. J. MOSER nce regarding discovery.	0.25
01/24/03 Review Defendant's s	R. P. DUCATMAN submission to court regarding seeking counsel.	0.25
01/25/03 Review corresponder	R. P. DUCATMAN nce from M. Woodruff regarding matter; Communica	0.25 te with client.
01/27/03 Review Defendant's	R. P. DUCATMAN discovery requests; Communicate with client.	0.50
01/27/03 Draft discovery defic	C. J. MOSER biency letter to Defendant.	1.25
01/27/03 Review Defendant's	C. J. MOSER discovery requests; Review Order regarding Rule 16	0.50 Conference.
01/28/03 Review Rule 16 Sch	R. P. DUCATMAN eduling Order.	0.25
01/28/03 Communicate with M	R. P. DUCATMAN M. Woodruff regarding matter.	0.25
01/28/03 Communicate with N	C. J. MOSER M. Woodruff and R. Ducatman regarding matter.	0.50
02/07/03 Communicate with F	C. J. MOSER R. Ducatman regarding matter; Review file.	0.50
02/11/03 Communicate with 0	R. P. DUCATMAN C. Moser regarding matter.	0.25
02/11/03 Draft discovery disp	C. J. MOSER ute letter to Court; communicate with process server.	3.25

	R. P. DUCATMAN e 16 Conference Statement.	0.50
02/12/03 Revise Rule 16 Confer	C. J. MOSER rence Statement.	2.25
02/13/03 Review correspondence	R. P. DUCATMAN ce regarding discovery.	0.25
	R. P. DUCATMAN with Court regarding Rule 16 Conference.	0.50
02/13/03 Communicate with M.	C. J. MOSER Woodruff and R. Ducatman regarding matter.	0.75
02/14/03 Review Rule 16 Confe	R. P. DUCATMAN erence Statement.	0.25
02/19/03 Prepare for pretrial co	R. P. DUCATMAN nference.	0.25
02/20/03 Prepare for and condu	R. P. DUCATMAN act pretrial conference.	1.50
02/20/03 Prepare for and partic	C. J. MOSER ipate in Rule 16 Conference.	3.25
02/24/03 Review correspondence	R. P. DUCATMAN ce regarding discovery.	0.25
02/24/03 Draft discovery respon	C. J. MOSER nses.	5.25
02/25/03 Review and revise dise	R. P. DUCATMAN covery responses.	0.75
02/25/03 Communicate with C.	R. P. DUCATMAN Moser regarding matter.	0.25
02/25/03 Revise discovery response	C. J. MOSER onses; communicate with R. Ducatman regarding ma	3.75 tter.
02/26/03 Revise discovery response	C. J. MOSER onses.	0.75

02/27/03 Review discovery res	R. P. DUCATMAN ponses.	0.25
02/27/03 Draft Notice of Depo	C. J. MOSER osition.	2.50
02/28/03 Review corresponder	R. P. DUCATMAN nce from M. Woodruff; Communicate with client.	0.25
03/07/03 Review discovery cor	R. P. DUCATMAN nference order.	0.25
03/11/03 Communicate with in	C. J. MOSER avestigator.	0.50
03/12/03 Plan and prepare for	C. J. MOSER Gehring deposition.	0.50
03/13/03 Plan and prepare for	C. J. MOSER Gehring deposition.	0.50
03/15/03 Review Gehring's No	R. P. Ducatman otice of Objection to Deposition.	0.25
03/16/03 Communicate with R Gehring deposition.	C. J. MOSER Ducatman regarding matter and arrange for cancella	0.50 ation of
03/17/03 Review and revise let	R. P. DUCATMAN tter to Court regarding Gehring's refusal to appear for	0.25 deposition.
03/17/03 Communicate with C	R. P. DUCATMAN C. Moser regarding matter.	0.25
03/17/03 Draft letter to Court with process server; communications	C. J. MOSER regarding Gehring's refusal to appear for deposition; nicate with R. Ducatman	2.25 communicate
03/17/03 Communicate with M	C. J. MOSER 1. Woodruff regarding matter.	0.25
03/18/03 Review corresponder	R. P. DUCATMAN nce regarding deposition of Gehring.	0.25
03/18/03 Review Rule 16 and	R. P. DUCATMAN Trial Orders.	0.50

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03/19/03 Review and revise lette	R. P. DUCATMAN er to the Court.	0.25
	R. P. DUCATMAN Moser regarding matter.	0.25
	C. J. MOSER letter to Court regarding deposition; communicate w	2.50 rith M.
03/20/03 Review letter to the Co	R. P. DUCATMAN ourt.	0.25
	R. P DUCATMAN ce from M. Woodruff; Communicate with client.	0.25
04/01/03 Communicate with M.	C. J. MOSER Woodruff and R. Ducatman regarding matter.	0.50
	R. P. DUCATMAN discovery conference.	1.0
04/02/03 Prepare for and attend	C. J. MOSER discovery conference; communicate with client.	2.75
04/03/03 Communicate with C.	R. P. DUCATMAN Moser regarding matter.	0.25
04/03/03 Review discovery order	R. P. DUCATMAN er.	0.25
04/03/03 Review discovery order	C. J. MOSER er; draft Shumay declaration.	1.00
04/04/03 Review declaration of	C. J. MOSER process server regarding attempted service.	0.25
04/07/03 Draft Shumay declara	C. J. MOSER tion.	1.75
04/08/03 Review and revise Sho	R. P. DUCATMAN umay declaration.	0.25
04/08/03 Revise Shumay declar	C. J. MOSER	2.25

04/09/03 Revise Shumay	C. J. MOSER declaration.	1.25
04/10/03 Revise Shumay	C. J. MOSER declaration.	1.00
04/11/03 Communicate	C. J. MOSER with M. Woodruff regarding matter.	0.25
04/14/03 Review corres	R. P. DUCATMAN pondence regarding discovery.	0.25
04/14/03 Revise Shuma	C. J. MOSER declaration; Communicate with client.	1.00
04/15/03 Review Shuma	R. P. DUCATMAN ay declaration.	0.25
04/15/03 Revise Shuma	C. J. MOSER y declaration; Communicate with R. Ducatn	1.00 man regarding matter.
04/16/03 Review and re	R. P. DUCATMAN vise letter to Gehring regarding discovery.	0.25
04/16/03 Draft letter to	C. J. MOSER Gehring regarding discovery.	1.75
04/25/03 Communicate	R. P. DUCATMAN with C. Moser regarding matter.	0.25
04/25/03 Review invest	C. J. MOSER gator's report; communicate with R. Ducat	0.75 man regarding matter.
04/30/03 Review corres	R. P. DUCATMAN pondence regarding discovery.	0.25
04/30/03 Draft letter to	C. J. MOSER Court regarding Gehring deposition; Revie	1.25 w discovery order.
05/02/03 Review corres	R. P. DUCATMAN spondence regarding scheduling.	0.25
05/02/03 Review corres	R. P. DUCATMAN spondence from M. Woodruff; Communicat	0.25 te with client.

05/02/03 Communicate with Co	R. P. DUCATMAN purt regarding trial date and status of matter.	0.25
05/02/03 Draft subpoena duces	C. J. MOSER tecum; Communicate with Court regarding Gehring	1.50 deposition.
05/05/03 Review corresponden	R. P. DUCATMAN ce regarding discovery.	0.25
05/05/03 Revise subpoena duce	C. J. MOSER es tecum and arrange for service of subpoena.	3.00
05/06/03 Review corresponden	R. P. DUCATMAN ce regarding discovery.	0.25
05/06/03 Communicate with cli	C. J. MOSER ient; Communicate with M. Woodruff regarding matt	0.50 er.
05/08/03 Review orders; Comr	R. P. DUCATMAN municate with client.	0.25
05/08/03 Communicate with co	C. J. MOSER ourt reporter; Review orders.	1.00
05/09/03 Review corresponden	R. P. DUCATMAN ace regarding discovery.	0.25
05/09/03 Prepare for Gehring of	C. J. MOSER deposition.	3.00
05/12/03 Review corresponden	R. P. DUCATMAN ace regarding discovery.	0.25
05/12/03 Draft outline for Geh	C. J. MOSER ring deposition; prepare for deposition.	5.25
05/13/03 Plan, prepare and atte	C. J. MOSER end deposition of Gehring.	9.50
05/14/03 Communicate with C	R. P. DUCATMAN . Moser regarding matter.	0.25
05/14/03 Communicate with te	C. J. MOSER lephone company regarding subpoena.	1.00

05/20/03 Review and revise let	R. P. DUCATMAN ter to Court.	0.25
05/20/03 Draft letter to Court.	C. J. MOSER	2.25
05/21/03 Review Amended Tri	R. P. DUCATMAN al Order; Communicate with client.	0.75
05/21/03 Review orders.	C. J. MOSER	0.50
05/23/03 Communicate with C	R. P. DUCATMAN Moser regarding matter.	0.25
05/23/03 Review dispositive m	R. P. DUCATMAN otion argument order.	0.25
05/23/03 Communicate with R	C. J. MOSER Ducatman regarding matter.	0.25
05/26/03 Review documents.	C. J. MOSER	0.50
05/26/03 Review order; Revise	C. J. MOSER e trial calendar.	1.00
05/27/03 Review documents.	R. P. DUCATMAN	0.50
05/27/03 Communicate with R	C. J. MOSER Ducatman regarding documents.	0.25
05/30/03 Legal research.	E. B. GREGORY	2.00
06/02/03 Communicate with M	R. P. DUCATMAN 1. Woodruff regarding matter; Communicate with clients	0.25 ent.
06/02/03 Communicate with C	R. P. DUCATMAN Moser regarding dispositive motion.	0.25
06/02/03 Draft/revise dispositi Woodruff regarding same.	C. J. MOSER ve motion; Communicate with affiants; Communicate	2.50 with M.

Communicate with M. Woodruff and C. Moser regarding matter.

0.25 06/09/03 C. J. MOSER

Communicate with M. Woodruff and R. Ducatman regarding matter.

06/10/03 R. P. DUCATMAN 0.25

Review correspondence; Communicate with client.

06/10/03	C. J. MOSER	0.50
	ice; Communicate with Court regarding pre-trial sche	dule;
Communicate with R. Ducati	man and M. Woodruff regarding same.	
06/11/03	C. J. MOSER	3.75
	Communicate with M. Woodruff regarding matter.	3.,,3
06/12/03	C. J. MOSER	3.50
	g regarding mandatory pre-trial conferences; Pre-tria	l preparation.
06/13/03	R. P. DUCATMAN	0.25
Pre-trial preparation.		
06/17/03	C. J. MOSER	0.25
Communicate with I.	Luciano regarding pre-trial preparation.	
06/18/03	I. M. LUCIANO	6.75
Review dispositive m	otion; Draft/revise pre-trial submissions.	
06/19/03	R. P. DUCATMAN	0.50
Review and revise su	mmary of dispositive motion and pre-trial submission	
06/19/03	I. M. LUCIANO	5.75
Draft/revise pre-trial		
06/19/03	C. J. MOSER	3.75
	submissions; Draft letter to Gehring regarding same;	
	nunicate with M. Woodruff regarding same; Review	, J
correspondence; Communica	ate with client.	
06/20/03	R. P. DUCATMAN	0.25
	dispositive motion summary; Communicate with clie	nt.
06/20/03	C. J. MOSER	7.00
	ve motion summary; Draft letter to Court regarding s	
Draft/revise pre-trial submiss	• • • • • • • • • • • • • • • • • • • •	,
06/21/03	R. P. DUCATMAN	0.25
	s of pre-trial submissions and correspondence related	
06/23/03	C. J. MOSER	1.25
Prepare for dispositive		1.43
	•	0.05
06/24/03	R. P. DUCATMAN	0.25
Communicate with C	C. Moser regarding dispositive motion hearing.	

06/24/03 C. J. MOSER 4.75

Prepare for dispositive motion hearing; Communicate with M. Woodruff regarding same; Communicate with R. Ducatman regarding same.

06/25/03 C. J. MOSER 6.25

Prepare for dispositive motion hearing, Communicate with M. Woodruff regarding same.

06/26/03 C. J. MOSER 8.50

Prepare for dispositive motion hearing.

06/27/03 R. P. DUCATMAN 0.25

Communicate with C. Moser regarding dispositive motion decision.

06/27/03 C. J. MOSER 9.75

Prepare and appear for dispositive motion hearing; Meet with M. Woodruff regarding same; Communicate with R. Ducatman regarding same.

06/30/03 C. J. MOSER 0.50

Review file; Communicate with Court Clerk regarding transcript; Communicate in firm regarding declarations required by Court.

EXHIBIT L

EXHIBIT L

LAWYER SERVICES SUMMARY

SCHNADER HARRISON SEGAL & LEWIS, L.L.P.

DATE OF SERVICE	LAWYER NAME/DESCRIPTION	HOURS
05/14/02 Review complaint.	M. S. WOODRUFF	0.30
05/15/02 Review and revise co	M. S. WOODRUFF mplaint.	1.10
05/15/02 Obtain trademark reg	T. J. HANNON istrations; Communicate with M. Woodruff regarding	1.10 g matter.
05/16/02 Review trademarks a	M. S. WOODRUFF nd prepare complaint for filing.	0.40
05/24/02 Draft letter to Court	M. S. WOODRUFF regarding electronic filing.	0.90
05/29/02 Communicate with C	M. S. WOODRUFF . Moser regarding matter; review local rules.	1.10
05/30/02 Draft pro hac vice mo	M. S. WOODRUFF otion.	0.60
06/19/02 Communicate with C	M. S. WOODRUFF . Moser regarding matter.	0.10
07/31/02 Review Rule 16 Pretr	M. S. WOODRUFF rial Conference notice.	0.50
08/01/02 Communicate with R	M. S. WOODRUFF Ducatman regarding matter.	0.10
08/02/02 Communicate with R	M. S. WOODRUFF . Ducatman and C. Moser regarding matter.	0.40
08/05/02 Review corresponder	M. S. WOODRUFF	0.10
08/09/02 Review corresponder	M. S. WOODRUFF ace; Prepare Rule 26 disclosures; check docket.	0.70

08/12/02 Review corresponder with Court regarding Rule 10	M. S. WOODRUFF nce; Communicate with C. Moser regarding matter; C 6 Conference.	1.00 communicate
08/16/02 Communicate with C	M. S. WOODRUFF courtroom deputy regarding pretrial conference.	0.40
09/17/02 Communicate with C	M. S. WOODRUFF Court regarding pretrial conference.	0.20
10/03/02 Review pretrial confe	M. S. WOODRUFF erence order.	0.20
10/11/02 Communicate with C	M. S. WOODRUFF C. Moser regarding matter.	0.20
10/15/02 Prepare Rule 16 Cor	M. S. WOODRUFF aference Statement.	0.50
10/18/02 Communicate with C	M. S. WOODRUFF C. Moser regarding matter.	0.30
10/18/02 Attend pretrial confe	M. S. WOODRUFF erence.	1.20
10/21/02 Review corresponde	M. S. WOODRUFF nce.	0.20
10/23/02 Review Rule 16 Cor	M. S. WOODRUFF aference Statement.	0.60
10/24/02 Review discovery.	M. S. WOODRUFF	0.30
11/04/02 Draft letter to Court	M. S. WOODRUFF regarding settlement conference.	0.40
11/05/02 Review letter from Conference.	M. S. WOODRUFF Court regarding conference; draft letter to Gehring reg	0.50 garding
11/08/02 Communicate with I	M. S. WOODRUFF R. Ducatman regarding matter.	0.20
11/20/02 Communicate with I	M. S. WOODRUFF R. Ducatman regarding matter.	0.10

11/20/02 Communicate with C	M. S. WOODRUFF ourt regarding settlement conference.	0.30
12/20/02 Review Order.	M. S. WOODRUFF	0.20
12/23/02 Review corresponder	M. S. WOODRUFF nce and order.	0.40
12/23/02 Review settlement co	M. S. WOODRUFF onference form.	0.20
01/02/03 Review settlement co	M. S. WOODRUFF onference statement.	0.30
01/06/03 Fact investigation; Pr	M. S. WOODRUFF repare for pretrial conference.	0.80
01/06/03 Communicate with C	M. S. WOODRUFF Court regarding pretrial conference; Review consent of	0.50 order.
01/07/03 Prepare for and attent	M. S. WOODRUFF ad pretrial conference.	6.40
01/15/03 Review corresponder	M. S. WOODRUFF	0.10
01/15/03 Review discovery res	M. S. WOODRUFF sponses.	1.10
01/21/03 Communicate with C	M. S. WOODRUFF Court regarding transcript.	0.20
01/25/03 Review Order.	M. S. WOODRUFF	0.10
01/28/03 Review discovery re	M. S. WOODRUFF quests.	0.10
01/28/03 Identify process serv	M. S. WOODRUFF eer and review correspondence.	0.20
01/28/03 Review Order.	M. S. WOODRUFF	0.10

02/12/03 Review Rule 16 conf	M. S. WOODRUFF Serence memorandum.	0.30
02/12/03 Review letter to Cou	M. S. WOODRUFF rt regarding discovery.	0.40
02/13/03 Communicate with C	M. S. WOODRUFF Court regarding Rule 16 memorandum.	0.10
02/13/03 Revise Rule 16 conferegarding matter.	M. S. WOODRUFF erence memorandum; communicate with R. Ducatmar	1.70 and C. Moser
02/20/03 Participate in Rule 1	M. S. WOODRUFF 6 conference.	1.10
02/24/03 Review Order.	M. S. WOODRUFF	0.20
02/25/03 Communicate with C matter.	M. S. WOODRUFF Court regarding discovery; communicate with C. Mose	0.60 er regarding
02/27/03 Communication with	M. S. WOODRUFF a C. Moser regarding matter.	0.20
03/03/03 Review Order.	M. S. WOODRUFF	0.10
03/17/03 Review Gehring's ob	M. S. WOODRUFF jection to deposition.	0.10
03/17/03 Communicate with 0	M. S. WOODRUFF C. Moser regarding matter.	0.20
03/17/03 Revise letter to Cour	M. S. WOODRUFF rt regarding Gehring deposition.	0.20
03/20/03 Review corresponde	M. S. WOODRUFF ence.	0.10
03/21/03 Review scheduling o	M. S. WOODRUFF order.	0.10
03/24/03 Review corresponde	M. S. WOODRUFF ence.	0.10

04/01/03 Review discovery mo	M. S. WOODRUFF otions.	0.90
04/02/03 Prepare for and attent	M. S. WOODRUFF ad discovery conference.	5.00
04/03/03 Communicate with C	M. S. WOODRUFF C. Moser regarding matter.	0.10
04/03/03 Review Order.	M. S. WOODRUFF	0.30
04/11/03 Communicate with C	M. S. WOODRUFF C. Moser regarding matter.	0.10
04/14/03 Communicate with C	M. S. WOODRUFF C. Moser regarding matter.	0.10
04/16/03 Review corresponde	M. S. WOODRUFF nce and affidavit.	0.40
04/29/03 Review scheduling of	M. S. WOODRUFF order.	0.10
04/30/03 Review corresponde	M. S. WOODRUFF	0.10
05/02/03 Review corresponde	M. S. WOODRUFF ence and revised schedule.	0.10
05/06/03 Review corresponde	M. S. WOODRUFF ence and subpoenas.	0.20
05/21/03 Review scheduling of	M. S. WOODRUFF orders and correspondence; Communicate with C. Mo	0.50 ser.
05/29/03 Review various orde	M. S. WOODRUFF ers and upcoming deadlines.	0.30

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Plaintiff Scott Fetzer's Statement in Support of an Order Awarding to Plaintiff Attorney Fees and Costs was served via first class mail, postage prepaid, this 30th day of July, 2003, upon:

> Raymond G. Gehring 1043 Cotton Street Reading, Pennsylvania 19602

> > Targaret S. Woodruff